

**PAUL J. FISHMAN
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UNITED STATES OF AMERICA,

Plaintiff,

- against -

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Hon.

Civil Action No. 10-

VERIFIED COMPLAINT *IN REM*

**\$122,000.00 CONTAINED IN ACCOUNT
PT 02129 98 IN THE NAME AND/OR FOR
THE BENEFIT OF GAMIL MAKAR AND
SALLY FARROUK MAKAR AT UBS
FINANCIAL SERVICES LOCATED AT
1200 HARBOR BOULEVARD,
WEEHAWKEN, NEW JERSEY 07086**

Defendant *in rem.*

Plaintiff, United States of America, by its attorney, Paul J. Fishman, United States Attorney for the District of New Jersey, (Peter W. Gaeta, Assistant United States Attorney, appearing), brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil forfeiture *in rem* action to forfeit and condemn to the use and benefit of the United States of America \$122,000.00 contained in account number PT 02129 98 in the name and/or for the benefit of Gamil Makar and Sally Farrouk Makar at UBS Financial

Services located at 1200 Harbor Boulevard, Weehawken, New Jersey 07086 to enforce the provisions of 31 U.S.C. § 5317(c)(2), which subjects to forfeiture to the United States any property involved in a violation of 31 U.S.C. § 5324(a).

THE DEFENDANT *IN REM*

2. The defendant property consists of \$122,000.00 contained in account number PT 02129 98 in the name and/or for the benefit of Gamil Makar and Sally Farrouk Makar at UBS Financial Services located at 1200 Harbor Boulevard, Weehawken, New Jersey 07086 (hereinafter “defendant property”). The defendant property is presently in the custody of the Internal Revenue Service, Criminal Investigation, (hereinafter “IRS-CI”) Springfield, New Jersey.

JURISDICTION AND VENUE

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b)(1) because the acts or omissions giving rise to the forfeiture occurred in the District of New Jersey. Upon the filing of this complaint, the plaintiff requests that the Clerk of the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b)(i), that the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1395.

BASIS FOR FORFEITURE

6. The defendant property is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2), which provides for the forfeiture of property, real or personal, involved in a violation of 31 U.S.C. § 5324.

FACTS

7. Gamil Makar and Sally Farrouk Makar (hereinafter “Makars”) reside at 20 Renshaw Drive, Montville, New Jersey and maintain personal checking account number 384401371 with Citibank. Citibank lists Gamil Makar and Sally Farrouk Makar as the only authorized signers on the account. They opened this account on or about May 6, 2002.

8. Investigation has revealed that Gamil Makar is a Medical Doctor, with a specialty in Geriatrics, for Senior Health Partners in Clifton, New Jersey. Sally Farrouk Makar is a student.

9. A review of the records for Citibank checking account number 384401371 for the period of on or about April 22, 2009 through on or about July 27, 2009, reveals fourteen (14) cash deposits totaling \$122,000.00. The currency deposits were made under the \$10,000.01 currency reporting threshold. The spreadsheet attached as “Exhibit A” to this Complaint and incorporated herein outlines the currency deposits into the aforementioned Citibank account.

10. On May 13, 2009, June 15, 2009, June 30, 2009, and July 28, 2009, the Makars made electronic transfers totaling \$125,000.00 from their Citibank checking account number 384401371 to UBS Financial Services (hereinafter “UBS”) account number PT 02129 98, an investment account held in the name of Gamil Makar and Sally Farrouk Makar. The spreadsheet attached as “Exhibit B” to this Complaint and incorporated herein outlines the four electronic

transfers to UBS totaling \$125,000.00.

11. Based on the foregoing information there was probable cause to believe that the previously mentioned cash deposits totaling \$122,000.00 into Citibank checking account number 384401371 were structured to evade currency reporting requirements in violation of 31 U.S.C. § 5324(a), and as such was subject to forfeiture to the United States pursuant to 31 U.S.C. § 5317(c)(2). Since the structure funds were transferred from Citibank checking account number 384401371 to UBS account number PT 02129 98, there was probable cause to believe that funds, monies and other things up to \$122,000.00 in value contained in account number PT 02129 98 in the name and/or for the benefit of Gamil Makar and Sally Farrouk Makar at UBS Financial Services located at 1200 Harbor Boulevard, Weehawken, New Jersey 07086 constituted property involved in a violation of 31 U.S.C. § 5324(a), and were subject to seizure and forfeiture pursuant to 31 U.S.C. § 5317(c)(2).

12. On May 18, 2010, a seizure warrant was executed by the Honorable Esther Salas, United States Magistrate Judge for the District of New Jersey, for all funds, monies and other things up to \$122,000.00 in value contained in account number PT 02129 98 in the name and/or for the benefit of Gamil Makar and Sally Farrouk Makar at UBS Financial Services located at 1200 Harbor Boulevard, Weehawken, New Jersey 07086.

13. On May 18, 2010, the IRS-CI executed the above seizure warrant and seized \$122,000.00 contained in account number PT 02129 98 in the name and/or for the benefit of Gamil Makar and Sally Farrouk Makar at UBS Financial Services located at 1200 Harbor Boulevard, Weehawken, New Jersey 07086.

14. Investigation has revealed that Gamil Makar is aware of the reporting requirements regarding cash transactions over \$10,000.00. For instance, on or about September 9, 2002 Gamil Makar deposited \$26,300.00 in cash into an account he held at Pamrapo Savings Bank in Bayonne, New Jersey for which a Currency Transaction Report was filed. In addition, on or about September 5, 2002, Makar brought \$24,000.00 into the country from Egypt through John F. Kennedy Airport in New York. This currency was reported by Makar when he entered the United States.

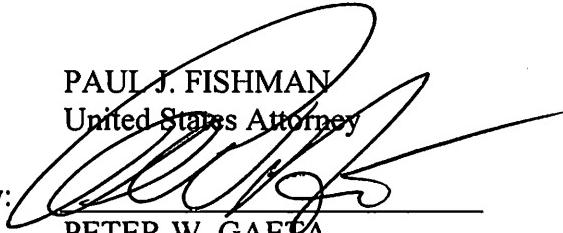
CLAIM FOR FORFEITURE

15. Incorporated herein and made part hereof are allegations contained in paragraphs 1 through 14 of this Complaint.

16. By reasons of the above, the defendant property, namely \$122,000.00 contained in account number PT 02129 98 in the name and/or for the benefit of Gamil Makar and Sally Farrouk Makar at UBS Financial Services located at 1200 Harbor Boulevard, Weehawken, New Jersey 07086, was involved in a violation of 31 U.S.C. § 5324(a), and therefore is subject to forfeiture to the United States pursuant to the provisions of 31 U.S.C. § 5317(c)(2).

WHEREFORE, the plaintiff requests that the Clerk of the Court issue a warrant for arrest *in rem* for the defendant property; that notice of this action be given to all persons who reasonably appear to be potential claimants to the defendant property; that the defendant property be forfeited and condemned to the United States of America; that the plaintiff be awarded its

costs and disbursements in this action and for such other and further relief as this Court deems proper and just.

PAUL J. FISHMAN
United States Attorney
By: 
PETER W. GAEPA
Assistant United States Attorney
Asset Forfeiture Coordinator

Dated: September 27, 2010
Newark, New Jersey

EXHIBIT A

Date	Cash Deposit	Account #	Comments
Date	Amount	Account #	Comments
4/22/2009	9,000.00	384401371	all 100's
4/30/2009	9,000.00	384401371	all 100's
5/6/2009	9,000.00	384401371	all 100's
5/26/2009	9,000.00	384401371	4K in 100's 5K in 50's
6/1/2009	9,000.00	384401371	all 20's
6/3/2009	9,000.00	384401371	all 100's
6/9/2009	9,000.00	384401371	all 100's
6/15/2009	9,000.00	384401371	all 100's
6/23/2009	9,000.00	384401371	all 50's
6/25/2009	9,000.00	384401371	all 50's
6/29/2009	8,000.00	384401371	7K in 50's and 1K in 20's
7/13/2009	9,000.00	384401371	all 100's
7/24/2009	9,000.00	384401371	all 100's
7/27/2009	6,000.00	384401371	59-100's, 1-50, 2-20's, 1-10
	122,000.00		

EXHIBIT B

Date Written	Date Cleared	Check #	Amount	Comments
5/13/2009	5/13/2009	EFT	20,000.00	To Account # PT 02129 98
6/15/2009	6/15/2009	EFT	45,000.00	To Account # PT 02129 98
6/30/2009	6/30/2009	EFT	35,000.00	To Account # PT 02129 98
7/28/2009	7/28/2009	EFT	25,000.00	To Account # PT 02129 98
			125,000.00	

VERIFICATION

STATE OF NEW JERSEY :

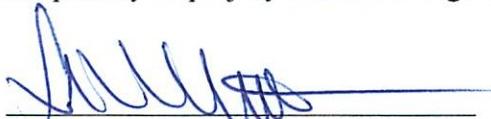
ss

COUNTY OF ESSEX :

I, Steven Helmstetter, hereby verify and declare under penalty of perjury that I am a Special Agent with the Internal Revenue Service-Criminal Investigation, Springfield, New Jersey, that I have read the foregoing Verified Complaint *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

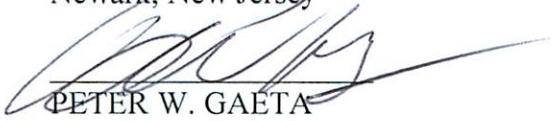
The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent of the Internal Revenue Service.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.



Steven Helmstetter
Special Agent
Internal Revenue Service- Criminal Investigation
Springfield, New Jersey

Sworn and subscribed to
before me this 27 day
of September, 2010, at
Newark, New Jersey



PETER W. GAETA
Attorney-at-Law
State of New Jersey